

AMENDED IN ASSEMBLY MAY 7, 2003

AMENDED IN ASSEMBLY APRIL 22, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

## ASSEMBLY BILL

**No. 1419**

### Introduced by Committee on Budget

February 21, 2003

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~~An act to amend Sections 18724, 18731, 18741, 18743, 18744, 33050, 42142, 42238.12, and 52055.650 of, to add Sections 18744.5, 19329, and 60227 to, to repeal Sections 426, 14044, 18745, and 42238.46 of, to repeal Article 8 (commencing with Section 18202) of Chapter 2 of, and Article 4.2 (commencing with Section 18733) of, and Article 4.5 (commencing with Section 18735) of, Chapter 4 of, Part 11 of, to repeal Chapter 4.5 (commencing with Section 18800) of Part 11 of, Chapter 17 (commencing with Section 53080) of Part 28 of, Chapter 6 (commencing with Section 60800) of Part 33 of, and Chapter 7 (commencing with Section 99300) of Part 65 of, and to repeal Part 8.5 (commencing with Section 13000) of, the Education Code, to amend Sections 3540.2 and 3547.5 of the Government Code, to amend Sections 52055.650 and 60800 of, to add Section 18866 to, to repeal Section 14044 of, and to repeal Chapter 7 (commencing with Section 99300) of Part 65 of, the Education Code, and to repeal Chapter 1.2 (commencing with Section 628 of Title 15 of Part 1 of the Penal Code, relating to school finance.~~

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1419, as amended, ~~Hancock~~ *Committee on Budget*. School finance.

~~(1) Existing law requires the State Librarian to contract for an evaluation of the English Language and intensive Literacy Program that is administered by the State Library. Existing law requires the State Librarian to submit interim reports to the Legislature.~~

~~This bill would repeal these provisions.~~

~~(2) Existing law establishes the California Civil Liberties Public Education Act for the purpose of sponsoring public educational activities and the development of educational materials to ensure that the events surrounding the exclusion, forced removal, and internment of civilians and permanent resident aliens of Japanese ancestry will be remembered and that the causes and circumstances of this and similar events may be illuminated and understood.~~

~~This bill would repeal the California Civil Liberties Public Education Act.~~

~~(3) Existing law establishes the California Classroom Library Materials Act of 1999 under which tax exempt donations from private entities are made available to school districts for the purchase of reading materials for kindergarten and grades 1 to 4, inclusive.~~

~~This bill would repeal the California Classroom Library Materials Act of 1999.~~

~~(4) Existing law establishes the Library of California Act under which ~~programs~~ *program* elements of the California Library Services Act would be phased out and repealed.~~

~~*This bill would provide that funding for the Library of California Act is contingent upon an appropriation in the annual Budget Act for that purpose. The California Library Services Act includes the California Library Literacy Service Program and the Families for Literacy Program.*~~

~~This bill would repeal the Library of California Act, and reinstate the California Library Services Act. The bill would repeal the California Library Literacy Service Program and the Families for Literacy Program.~~

~~Existing law requires the California Library Services board to, among other things, develop formulas for the equitable allocation of reimbursements for direct and interlibrary loans and to submit those formulas to the Department of Finance for approval.~~

~~The bill would no longer require the submission of those formulas for approval.~~

~~Existing law requires that libraries participating in universal borrowing be reimbursed for handling costs of the net loans, that~~

~~member libraries of defined library system that provide equal access to all residents of the area served by the system be reimbursed for handling costs of net loans and for each interlibrary loan between member libraries.~~

~~The bill would authorize, and no longer require, those reimbursements. The bill would authorize a library that is a member of a regional library network to change user fees to cover cost of resource sharing.~~

~~Existing law requires defined library systems to receive an annual allowance for the improvement and maintenance of coordinated reference service support for members of the system.~~

~~The bill would condition the receipt of that allowance on an appropriation for funds for that purpose.~~

~~(5) Existing law establishes the State Library as a division in the State Department of Education and authorizes the State Librarian to prescribe rules and regulations permitting persons to have use of books from the library.~~

~~This bill would require the State Librarian to establish a schedule of library user fees, would authorize the State Librarian to establish a fee for a state library card, and would authorize the State Librarian or the California State Library Foundation to accept donations to the State Library of materials and funds for their preservation, storage, and use as charitable contributions for tax purposes.~~

~~(6) Existing law authorizes the governing board of a school district and the governing board of a county board of education to request the State Board of Education to waive provisions of the Education Code and implementing regulations adopted by the State Board Of Education except certain enumerated provisions and requires the State Board of Education to approve requests for waivers unless the board makes certain findings.~~

~~This bill would prohibit the request for, and the granting of, a waiver to allow a pupil to be admitted to a regional occupational center or program or to credit his or her attendance to a regional occupational center or program if the pupil is not 16 years old unless the pupil is in grade 11 or 12 or the pupil's individualized education program prescribes enrollment in a regional occupational center or program.~~

~~(7) Existing law requires the superintendent of a school district to forward to the county superintendent of schools, within 45 days of adopting a collective bargaining agreement, any revisions to the current~~

~~year budget of the school district that are necessary to fulfill the terms of that agreement.~~

~~This bill would require the superintendent of a school district to forward to the county superintendent of schools before adopting a collective bargaining agreement an analysis of the fiscal impact of the agreement on the current year budget and the subsequent 2 years and to revise the current year budget to reflect the terms of the agreement. The bill would require the school district, at a regularly scheduled meeting of the governing board of the school district, to consider the response from the county superintendent of schools before ratifying the agreement.~~

~~(8) Existing law requires the county superintendent of schools to adjust the total revenue limit for each school district in the jurisdiction of the county superintendent of schools by the amount of increased or decreased employer contributions to the Public Employees' Retirement System (PERS) and sets forth a method for calculating that amount for the 1995-96 fiscal year and each fiscal year thereafter. Existing law appropriates \$35,000,000 from the General Fund to Section A of the State School Fund for purposes of limiting the reductions to revenue limits for the 2003-04 fiscal year and limits reductions to revenue limits for the 2004-05 fiscal year and each fiscal year thereafter to \$35,000,000 increased annually by cost-of-living adjustments, as specified.~~

~~This bill would, prohibit certain revenue limit reductions from being applied, for the 2002-03 fiscal year and each fiscal year thereafter, to the amount of the increase or decrease to the revenue limits of school districts. The bill would, in addition, delete the appropriation described above.~~

~~(9) Existing law provides two equalization adjustments for each school district for the 2003-04 fiscal year.~~

~~This bill would repeal the equalization adjustment that would ensure that no district's 2002-03 adjusted base revenue limit per unit of average daily attendance is less than the 2002-03 adjusted base revenue limit above which fall not more than 8.25% of the total statewide units of daily attendance for the appropriate size and type of district.~~

~~(10)~~

~~(2) Existing law establishes the High Priority School Grant Program under which funds are made available to eligible schools for implementation of an a school action plan that includes specified components.~~



This bill would provide that a school participating in the program that received a planning grant in the 1999–2000 fiscal year is eligible to receive program funding in the 2002–03 fiscal year only and that a school participating in the program that received a planning grant in the 2000–01 fiscal year is eligible to receive program funding in the 2002–03 and 2003–04 fiscal years only.

~~(11) Existing law establishes the interagency Partnership for School-to-Career Programs which awards grants to local partnerships for specified purposes regarding school-to-career programs.~~

~~This bill would repeal the these provisions.~~

~~(12) Existing law requires the State Board of Education to adopt instructional materials for use in kindergarten and grades 1 to 8, inclusive, and requires the board to ensure that curriculum frameworks are reviewed and adopted in each subject area consistent with the 6 and 8 year cycles for the submission of instructional materials for purposes of adoption.~~

~~This bill would require the State Department Of Education to collect reimbursements from publishers and manufacturers who submit instructional materials for follow up adoption to cover expenses it and the State Board of Education incur for performing a followup adoption after the first opportunity to offer materials for adoption following the revision of a curriculum framework.~~

~~(13)–~~

~~(3) Existing law requires a school district that maintains any of grades 5, 7, and 9 to administer to each pupil in those grades a physical performance test designated by the State Board of Education and requires the State Department of Education to compile the results of this test and to submit a report every 2 years to the Legislature and Governor on the test.~~

~~This bill would delete provisions regarding this the requirement that the department compile test data and report to the Legislature and Governor.~~

~~(14) Existing law requires a school district that has a qualified or negative certification as a result of certain required financial is required to allow the county office of education 6 days to review and comment on a proposed collective bargaining agreement between it and the exclusive representative of school district employees.~~

~~This bill would broaden this requirement by requiring all school districts to allow the county office of education to review and comment on a proposed collective bargaining agreement. The bill would increase~~

~~to 15 days the amount of time allowed to the county office of education for the performance of this duty. By applying this requirement to all school districts and by increasing the number of school district collective bargaining agreements a county office of education must review and comment on, the bill would impose a state-mandated local program.~~

~~(15) Existing law requires a public school employer, as defined, to disclose at a public meeting the major provisions of a proposed collective bargaining agreement.~~

~~This bill would require the district superintendent and the chief business official of the school district to certify in writing that the costs incurred by the school district under the proposed agreement can be met by the district for the current and 2 subsequent fiscal years, thereby imposing a state-mandated local program.~~

~~(16)~~

~~(4) Existing law, until June 30, 2003, establishes the Student Academic Partnership program to provide preservice training to prospective teachers and secure tutoring assistance for pupils in kindergarten and grades 1 to 6, inclusive.~~

~~This bill would repeal the program.~~

~~(5) Existing law requires that school districts report on crimes committed on school grounds, as specified. Existing law requires the State Department of Education, in consultation with the Department of Justice and a representative selection of school districts, to develop a standard school crime reporting form. Existing law requires the department to identify guidelines for reporting, and documentation for validating, the incidents of each crime description included on the standard school crime reporting forms, as specified.~~

~~This bill would repeal provisions regarding the reporting of school crime.~~

~~(17) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,~~

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes *no*.

*The people of the State of California do enact as follows:*

- 1    ~~SECTION 1. Section 426 of the Education Code is repealed.~~
- 2    ~~SEC. 2. Part 8.5 (commencing with Section 13000) of the~~
- 3    ~~Education Code is repealed.~~
- 4    ~~SEC. 3.—~~
- 5    ~~SECTION 1. Section 14044 of the Education Code is~~
- 6    ~~repealed.~~
- 7    ~~SEC. 4. Article 8 (commencing with Section 18202) of~~
- 8    ~~Chapter 2 of Part 11 of the Education Code is repealed.~~
- 9    ~~SEC. 5. Section 18724 of the Education Code is amended to~~
- 10   ~~read:~~
- 11    ~~18724. The duties of the state board shall be to adopt rules,~~
- 12   ~~regulations, and general policies for the implementation of this~~
- 13   ~~chapter. In addition, the state board, consistent with the terms and~~
- 14   ~~provisions of this chapter, shall have the following powers and~~
- 15   ~~duties:~~
- 16    ~~(a) To direct the State Librarian in the administration of this~~
- 17   ~~chapter.~~
- 18    ~~(b) To review for its approval all annual proposals submitted~~
- 19   ~~under this chapter.~~
- 20    ~~(c) To annually submit budget proposals as part of the annual~~
- 21   ~~budget of the Department of Education.~~
- 22    ~~(d) To expend the funds appropriated for the purpose of~~
- 23   ~~implementing this chapter.~~
- 24    ~~(e) To require participating libraries and systems to prepare and~~
- 25   ~~submit any reports and information which are necessary to carry~~
- 26   ~~out this chapter, and to prescribe the form and manner for~~
- 27   ~~providing those reports and information.~~
- 28    ~~(f) To develop formulas for the equitable allocation of~~
- 29   ~~reimbursements between libraries and library systems that choose~~
- 30   ~~to participate under Sections 18731, 18743, 18744, and 18765.~~
- 31    ~~(g) To require that any public library participating in programs~~
- 32   ~~authorized by this chapter provide access to its bibliographic~~

~~records and materials location information consistent with the legislative policy of encouraging the sharing of resources between libraries.~~

~~SEC. 6. Section 18731 of the Education Code is amended to read:~~

~~18731. Any California public library may participate in universal borrowing. Public libraries participating in universal borrowing may not exclude the residents of any jurisdiction maintaining a public library. Public libraries that incur a net imbalance may be reimbursed for the handling costs of the net loans according to the allocation formula developed pursuant to subdivision (f) of Section 18724. Reimbursement shall be incurred only for imbalances between:~~

~~(a) System member libraries and independent public libraries.~~

~~(b) Independent public libraries with each other.~~

~~(c) Member libraries of one system with member libraries of other systems.~~

~~SEC. 7. Article 4.2 (commencing with Section 18733) of Chapter 4 of Part 11 of the Education Code is repealed.~~

~~SEC. 8. Article 4.5 (commencing with Section 18735) of Chapter 4 of Part 11 of the Education Code is repealed.~~

~~SEC. 9. Section 18741 of the Education Code is amended to read:~~

~~18741. (a) Each system described in Section 18740 shall receive, subject to the appropriation of funds, an annual allowance for the improvement and maintenance of coordinated reference service support to the members of the system. Following January 1, 1978, if there occurs a consolidation among individual public libraries that, as of January 1, 1978, are members of a system, the per member allowance to the system shall continue at the same level as if the consolidation had not taken place.~~

~~(b) After identifying the needs of the underserved, each system shall use a fair and equitable portion of its reference allowance to improve the system's reference service to its underserved population through appropriate collection development, provision of reference specialists, and staff training. Funds for the reference grant may also be used for general and specialized reference collection development, employment of reference specialists, and system-wide reference training.~~



1     ~~SEC. 10.—Section 18743 of the Education Code is amended to~~  
2     ~~read:~~

3     ~~18743.—Each member library of a system shall provide equal~~  
4     ~~access to all residents of the area served by the system. Member~~  
5     ~~libraries that incur a net imbalance may be reimbursed through the~~  
6     ~~system for the handling costs of the net loans according to the~~  
7     ~~allocation formula developed pursuant to subdivision (f) of~~  
8     ~~Section 18724.~~

9     ~~SEC. 11.—Section 18744 of the Education Code is amended to~~  
10    ~~read:~~

11    ~~18744.—Each member library of a system may be reimbursed~~  
12    ~~through the system to cover handling costs, excluding~~  
13    ~~communication and delivery costs, of each interlibrary loan~~  
14    ~~between member libraries of the system according to the allocation~~  
15    ~~formula developed pursuant to subdivision (f) of Section 18724.~~

16    ~~SEC. 12.—Section 18744.5 is added to the Education Code, to~~  
17    ~~read:~~

18    ~~18744.5.—A member library of a system is authorized to charge~~  
19    ~~user fees to cover net costs after any reimbursement for costs of~~  
20    ~~resource sharing. The user fees may initially be set at one dollar~~  
21    ~~(\$1) for a direct library loan and up to five dollars (\$5) for an~~  
22    ~~interlibrary loan.~~

23    ~~SEC. 13.—Section 18745 of the Education Code is repealed.~~

24    ~~SEC. 14.—Chapter 4.5 (commencing with Section 18800) of~~  
25    ~~Part 11 of the Education Code is repealed.~~

26    ~~SEC. 15.—Section 19329 is added to the Education Code, to~~  
27    ~~read:~~

28    ~~19329.—The State Librarian shall establish a schedule of~~  
29    ~~library user fees and may establish a fee for a state library card for~~  
30    ~~the purpose of reimbursing the California State Library for~~  
31    ~~services, including indirect costs of those services. The State~~  
32    ~~Librarian and the California State Library Foundation, with the~~  
33    ~~concurrence of the State Librarian, may accept donations of~~  
34    ~~materials to the State Library and funds for preservation, storage,~~  
35    ~~and use of those materials. The donations shall be considered~~  
36    ~~charitable contributions under the Revenue and Taxation Code.~~

37    ~~SEC. 16.—Section 33050 of the Education Code is amended to~~  
38    ~~read:~~

39    ~~33050.—(a) The governing board of a school district or a~~  
40    ~~county board of education, on a districtwide or countywide basis~~

1 or on behalf of one or more of its schools or programs, after a  
2 public hearing on the matter, may request the State Board of  
3 Education to waive all or part of any section of this code or any  
4 regulation adopted by the State Board of Education that  
5 implements a provision of this code that may be waived, except:  
6 (1) Article 1 (commencing with Section 15700) and Article 2  
7 (commencing with Section 15780) of Chapter 4 of Part 10.  
8 (2) Chapter 6 (commencing with Section 16000) of Part 10.  
9 (3) Chapter 12 (commencing with Section 17000), Chapter  
10 12.5 (commencing with Section 17070.10), and Chapter 14  
11 (commencing with Section 17085) of Part 10.  
12 (4) Part 13 (commencing with Section 22000).  
13 (5) Section 35735.1.  
14 (6) Paragraph (8) of subdivision (a) of Section 37220.  
15 (7) The following provisions of Part 10.5 (commencing with  
16 Section 17211):  
17 (A) Chapter 1 (commencing with Section 17211).  
18 (B) Article 1 (commencing with Section 17251) to Article 6  
19 (commencing with Section 17365), inclusive, of Chapter 3.  
20 (C) Sections 17416 to 17429, inclusive; Sections 17459 and  
21 17462 and subdivision (a) of Section 17464; and Sections 17582  
22 to 17592, inclusive.  
23 (8) The following provisions of Part 24 (commencing with  
24 Section 41000):  
25 (A) Sections 41000 to 41360, inclusive.  
26 (B) Sections 41420 to 41423, inclusive.  
27 (C) Sections 41600 to 41835, inclusive.  
28 (D) Sections 41920 to 42911, inclusive.  
29 (9) Article 3 (commencing with Section 44930) of Chapter 4  
30 of Part 25 and regulations in Title 5 of the California Code of  
31 Regulations adopted pursuant to Article 3 (commencing with  
32 Section 44930) of Chapter 4 of Part 25.  
33 (10) Part 26 (commencing with Section 46000).  
34 (11) Chapter 6 (commencing with Section 48900) and Chapter  
35 6.5 (commencing with Section 49060) of Part 27.  
36 (12) Section 51513.  
37 (13) Chapter 6.10 (commencing with Section 52120) of Part  
38 28.  
39 (14) Section 52163.

1 ~~(15) The identification and assessment criteria relating to any~~  
2 ~~categorical aid program, including Sections 52164.1 and 52164.6.~~

3 ~~(16) Sections 52165, 52166, and 52178.~~

4 ~~(17) Article 3 (commencing with Section 52850) of Chapter 12~~  
5 ~~of Part 28.~~

6 ~~(18) Section 56364.1, except that this restriction shall not~~  
7 ~~prohibit the State Board of Education from approving any waiver~~  
8 ~~of Section 56364 or Section 56364.2, as applicable, relating to full~~  
9 ~~inclusion.~~

10 ~~(19) Article 4 (commencing with Section 60640) of Chapter 5~~  
11 ~~of Part 33, relating to the STAR Program, and any other provisions~~  
12 ~~of Chapter 5 (commencing with Section 60600) of Part 33 that~~  
13 ~~establish requirements for the STAR Program.~~

14 ~~(b) Any waiver of provisions related to the programs identified~~  
15 ~~in Section 52851 shall be granted only pursuant to Article 3~~  
16 ~~(commencing with Section 52850) of Chapter 12 of Part 28.~~

17 ~~(c) The waiver of an advisory committee required by law shall~~  
18 ~~be granted only pursuant to Article 4 (commencing with Section~~  
19 ~~52870) of Chapter 12 of Part 28.~~

20 ~~(d) Any request for a waiver submitted by the governing board~~  
21 ~~of a school district or a county board of education pursuant to~~  
22 ~~subdivision (a) shall include a written statement as to both of the~~  
23 ~~following:~~

24 ~~(1) Whether the exclusive representative of employees, if any,~~  
25 ~~as provided in Chapter 10.7 (commencing with Section 3540) of~~  
26 ~~Division 4 of Title 1 of the Government Code, participated in the~~  
27 ~~development of the waiver.~~

28 ~~(2) The exclusive representative's position regarding the~~  
29 ~~waiver.~~

30 ~~(e) The State Board of Education may not grant a waiver~~  
31 ~~request to allow a pupil to be admitted to a regional occupational~~  
32 ~~center or program or to credit his or her attendance to a regional~~  
33 ~~occupational center or program if the pupil has not attained the age~~  
34 ~~of 16 years, unless one of the following applies to the pupil:~~

35 ~~(1) The pupil is enrolled in grade 11 or 12.~~

36 ~~(2) The individualized education program of the pupil adopted~~  
37 ~~pursuant to the requirements of Chapter 2 (commencing with~~  
38 ~~Section 56300) of Part 30 prescribes occupational training for~~  
39 ~~which his or her enrollment in a regional occupational center or~~  
40 ~~program is deemed appropriate.~~

~~(f) The governing board of any school district requesting a waiver under this section of any provision of Article 5 (commencing with Section 39390) of Chapter 3 of Part 23 shall provide written notice of any public hearing it conducted pursuant to subdivision (a), at least 30 days prior to the hearing, to each public agency identified under Section 39394.~~

~~SEC. 17. Section 42142 of the Education Code is amended to read:~~

~~42142. Before adopting a collective bargaining agreement, the superintendent of the school district shall forward to the county superintendent of schools an analysis of the fiscal impact of that agreement on the current year budget and the ensuing two fiscal years. The district superintendent shall revise the current year budget of the school district to reflect the terms of the agreement and shall submit this analysis and revised budget to the county superintendent of schools for an independent review and analysis before ratification. Within 15 working days of receiving the agreement, the county superintendent of schools shall respond to the school district in writing on the fiscal impact to the district for the current year budget and the ensuing two fiscal years. Before ratification, the school district, at a regularly scheduled board meeting, shall consider the response from the county superintendent. Any additional costs to the school district that may result from the terms of the collective bargaining agreement also shall be reflected in any interim fiscal reports or multiyear fiscal projections.~~

~~SEC. 18. Section 42238.12 of the Education Code is amended to read:~~

~~42238.12. (a) For the 1995-96 fiscal year and each fiscal year thereafter, the county superintendent of schools shall adjust the total revenue limit for each school district in the jurisdiction of the county superintendent of schools by the amount of increased or decreased employer contributions to the Public Employees' Retirement System resulting from the enactment of Chapter 330 of the Statutes of 1982, adjusted for any changes in those contributions resulting from subsequent changes in employer contribution rates, excluding rate changes due to the direct transfer of the state-mandated portion of the employer contributions to the Public Employees' Retirement System, through the current fiscal~~

1 year. The adjustment shall be calculated for each school district,  
2 as follows:

3 (1) (A) ~~Determine the amount of employer contributions that~~  
4 ~~would have been made in the current fiscal year if the applicable~~  
5 ~~Public Employees' Retirement System employer contribution rate~~  
6 ~~in effect immediately prior to the enactment of Chapter 330 of the~~  
7 ~~Statutes of 1982 were in effect during the current fiscal year.~~

8 (B) ~~For the purposes of this calculation, no school district shall~~  
9 ~~have a contribution rate higher than 13.020 percent.~~

10 (2) ~~Determine the actual amount of employer contributions~~  
11 ~~made to the Public Employees' Retirement System in the current~~  
12 ~~fiscal year.~~

13 (3) ~~If the amount determined in paragraph (1) for a school~~  
14 ~~district is greater than the amount determined in paragraph (2), the~~  
15 ~~total revenue limit computed for that school district shall be~~  
16 ~~decreased by the amount of the difference between those~~  
17 ~~paragraphs; or, if the amount determined in paragraph (1) for a~~  
18 ~~school district is less than the amount determined in paragraph (2),~~  
19 ~~the total revenue limit for that school district shall be increased by~~  
20 ~~the amount of the difference between those paragraphs.~~

21 (4) ~~For the purpose of this section, employer contributions to~~  
22 ~~the Public Employees' Retirement System for any of the following~~  
23 ~~positions shall be excluded from the calculation specified above:~~

24 (A) ~~Positions or portions of positions supported by federal~~  
25 ~~funds that are subject to supplanting restrictions.~~

26 (B) ~~Positions supported by funds received pursuant to~~  
27 ~~paragraph (1) of subdivision (a) of Section 54203.~~

28 (C) ~~Positions supported, to the extent of employers'~~  
29 ~~contributions not exceeding twenty-five thousand dollars~~  
30 ~~(\$25,000) by any single educational agency, from a non-General~~  
31 ~~Fund revenue source determined to be properly excludable from~~  
32 ~~this section by the Superintendent of Public Instruction with the~~  
33 ~~approval of the Director of Finance. Commencing in the 2002-03~~  
34 ~~fiscal year, only positions supported from a non-General Fund~~  
35 ~~revenue source determined to be properly excludable as identified~~  
36 ~~for a particular local education agency or pursuant to a blanket~~  
37 ~~waiver by the Superintendent of Public Instruction and the~~  
38 ~~Director of Finance, prior to the 2002-03 fiscal year, may be~~  
39 ~~excluded pursuant to this paragraph.~~

~~(5) For accounting purposes, any reduction to district revenue limits made by this provision may be reflected as an expenditure from appropriate sources of revenue as directed by the Superintendent of Public Instruction.~~

~~(6) The amount of the increase or decrease to the revenue limits of school districts computed pursuant to paragraph (3) for the 1995-96 fiscal year or any fiscal year thereafter may not be adjusted by the deficit factor applied to the revenue limit of each school district pursuant to Section 42238.145.~~

~~(7) The amount of the increase or decrease to the revenue limits of school districts computed pursuant to paragraph (3) for the 2002-03 fiscal year or any fiscal year thereafter, may not be adjusted by the deficit factor applied to the revenue limit reduction of each school district pursuant to Section 42238.147.~~

~~(b) The calculations set forth in paragraphs (1), (2), and (3), inclusive, of subdivision (a) exclude employer contributions for employees of charter schools funded pursuant to Article 2 (commencing with Section 47633) of Chapter 6 of Part 26.8.~~

~~(c) Funding appropriated through the Budget Act of 2001 or legislation amending the Budget Act of 2001 for the purpose of limiting the reductions to revenue limits calculated pursuant to this section and to Section 2558 for the 2001-02 fiscal year shall be allocated on a one-time basis in the following manner:~~

~~(1) Each school district and county office of education subject to a reduced apportionment pursuant to this section or to Section 2558 shall receive a share of the amount described in paragraph (3) that is proportionate to the reduction in their apportionment pursuant to this section or to Section 2558 for the 2001-02 fiscal year as compared to the statewide total reduction that would occur absent this paragraph.~~

~~(2) For the 2001-02 fiscal year, in lieu of the alternative calculation authorized by paragraph (1), San Francisco Unified School District shall receive an amount equal to five dollars and 57 cents (\$5.57) multiplied by its second principal apportionment average daily attendance for the 2001-02 fiscal year.~~

~~(3) Notwithstanding any other provision of law, total allocations pursuant to this subdivision may not exceed thirty-five million dollars (\$35,000,000).~~

~~SEC. 19.— Section 42238.46 of the Education Code is repealed.~~

~~SEC. 20.—~~

1     *SEC. 2. Section 18866 is added to the Education Code, to*  
2     *read:*

3     *18866. Funding for purposes of this chapter is contingent*  
4     *upon an appropriation being made for that purpose in the annual*  
5     *Budget Act.*

6     *SEC. 3. Section 52055.650 of the Education Code is amended*  
7     *to read:*

8     52055.650. (a) Section 52055.5 does not apply to a school  
9     participating in the High Priority School Grant Program.

10    (b) Twenty-four months after receipt of funding for  
11    implementation of the action plan pursuant to Sections 52054.5  
12    and 52055.600 or no sooner than July 1, 2004, a school that has not  
13    met its growth targets each year shall be subject to review by the  
14    State Board of Education. This review shall include an  
15    examination of the school's progress relative to the components  
16    and reports made pursuant to Section 52055.640. The  
17    Superintendent of Public Instruction, with the approval of the  
18    State Board of Education, may direct that the governing board of  
19    a school take appropriate action and adopt appropriate strategies  
20    to provide corrective assistance to the school in order to achieve  
21    the components and benchmarks established in the school's action  
22    plan.

23    (c) Thirty-six months after receipt of funding to implement a  
24    school action plan or no sooner than July 1, 2005, a school that has  
25    met or exceeded its growth target each year shall receive a  
26    monetary or nonmonetary award, under the Governor's  
27    Performance Award Program, as set forth in Section 52057. Funds  
28    received pursuant to that section may be used at the school's  
29    discretion.

30    (d) Thirty-six months after receipt of funding to implement a  
31    school action plan or no sooner than July 1, 2005, a school that has  
32    not met its growth targets each year, but demonstrates significant  
33    growth, as determined by the State Board of Education, shall  
34    continue to participate in the program and receive funding as  
35    specified in Sections 52054.5 and 52055.600.

36    (e) Notwithstanding any other provision of law, the  
37    Superintendent of Public Instruction, with the approval of the  
38    State Board of Education, shall follow the course of action  
39    prescribed by paragraph (1) or (2) with respect to a school that does  
40    not meet its growth targets within the periods described in either



1 subdivision (c) or (d), as applicable, or no later than July 1, 2005,  
2 and has failed to show significant growth, as determined by the  
3 State Board of Education.

4 (1) Require the district to enter into a contract with a school  
5 assistance and intervention team.

6 (A) Team members should possess a high degree of knowledge  
7 and skills in the areas of school leadership, curriculum, and  
8 instruction aligned to state academic content and performance  
9 standards, classroom management and discipline, academic  
10 assessment, parent-school relations, and evaluation and  
11 research-based reform strategies and have proven successful  
12 expertise specific to the challenges inherent in low-performing  
13 schools.

14 (B) The team shall provide intensive support and expertise to  
15 implement the school reform initiatives in the plan. Decisions  
16 about interventions shall be data driven. A school assistance and  
17 intervention team shall work with school staff, site planning teams,  
18 administrators, and district staff to improve pupil literacy and  
19 achievement by assessing the degree of implementation of the  
20 current action plan, refining and revising the action plan, and  
21 making recommendations to maximize the use of fiscal resources  
22 and personnel in achieving the goals of the plan. The district shall  
23 provide support and assistance to enhance the work of the team at  
24 the targeted schoolsites.

25 (C) Not later than 60 days after the school's API becomes  
26 public, the team must have completed an initial report. The report  
27 shall include recommendations for corrective actions chosen from  
28 a range of interventions, including the reallocation of district fiscal  
29 resources to ensure that appropriate resources are targeted to those  
30 specific interventions identified in the recommendations of the  
31 team for the targeted schools and other changes deemed  
32 appropriate to make progress toward meeting the school's growth  
33 target. Not later than 90 days after the API is made public, the  
34 governing board of the school district shall adopt the team's  
35 recommendations at a regularly scheduled meeting of the  
36 governing board. The governing board may not place the adoption  
37 on the consent calendar. The report shall be submitted to the  
38 Superintendent of Public Instruction and State Board of  
39 Education.





(D) No less than three times during the year, the school district and schoolsite shall present the team with data regarding progress toward the goals established by the team's initial assessment. The data shall be presented to the governing board of the school district at a regularly scheduled meeting. The team shall, to the extent possible, utilize existing site data. The data shall also be provided to the Superintendent of Public Instruction and State Board of Education. Every effort shall be made to report this data in a manner that minimizes the length and complexity of the reporting requirement in order to maximize the focus on improving pupil literacy and achievement.

(E) An action taken pursuant to this paragraph shall not increase local costs or require reimbursement by the Commission on State Mandates.

(2) The Superintendent of Public Instruction shall assume all the legal rights, duties, and powers of the governing board with respect to the school. The Superintendent of Public Instruction, in consultation with the State Board of Education and the governing board of the school district, shall reassign the principal of that school subject to the findings in subdivision (i). In addition to reassigning the principal, the Superintendent of Public Instruction, in consultation with the State Board of Education, shall, notwithstanding any other provision of law, do at least one of the following:

(A) Revise attendance options for pupils to allow them to attend any public school in which space is available. If additional attendance options are made available, nothing in this option shall be construed to require either the sending or receiving school district to incur additional transportation costs.

(B) Allow parents or guardians to apply directly to the State Board of Education for the establishment of a charter school and allow parents or guardians to establish the charter school at the existing schoolsite.

(C) Under the supervision of the Superintendent of Public Instruction, assign the management of the school to a college, university, county office of education, or other appropriate educational institution. However, the Superintendent of Public Instruction may not assume the management of the school.

(D) Reassign other certificated employees of the school.

1 (E) Renegotiate a new collective bargaining agreement at the  
2 expiration of the existing collective bargaining agreement.

3 (F) Reorganize the school.

4 (G) Close the school.

5 (f) In addition to the actions listed in subdivision (e), the  
6 Superintendent of Public Instruction, in consultation with the State  
7 Board of Education, may take any other action considered  
8 necessary or desirable against the school district or the school  
9 district governing board, including appointment of a new  
10 superintendent or suspension of the authority of the governing  
11 board with respect to a school that does not meet its growth targets  
12 within the periods described in either subdivision (b) or (c), as  
13 applicable, and has failed to show significant growth, as  
14 determined by the State Board of Education.

15 (g) Before the Superintendent of Public Instruction may take  
16 any action against a principal pursuant to subdivision (e), the  
17 Superintendent of Public Instruction or a designee of the  
18 superintendent shall hold a public hearing on the matter in the  
19 school district and make both of the following findings:

20 (1) A finding that the principal had the authority to take specific  
21 enumerated actions that would have helped the school meet its  
22 performance goals.

23 (2) A finding that the principal failed to take specific  
24 enumerated actions pursuant to paragraph (1).

25 (h) An action taken pursuant to subdivision (e), (f), or (g) shall  
26 not increase local costs or require reimbursement by the  
27 Commission on State Mandates.

28 (i) An action taken pursuant to subdivision (e), (f), or (g) shall  
29 be accompanied by specific findings by the Superintendent of  
30 Public Instruction and the State Board of Education that the action  
31 is directly related to the identified causes for continued failure by  
32 a school to meet its performance goals.

33 (j) (1) Notwithstanding subdivision (a), a school participating  
34 in the High Priority School Grant Program that received a planning  
35 grant pursuant to subdivision (f) of Section 52053 in the  
36 1999–2000 fiscal year is eligible to receive funding pursuant to  
37 Section 52055.600 in the 2002–03 fiscal year only.

38 (2) Notwithstanding subdivision (a), a school participating in  
39 the High Priority School Grant Program that received a planning  
40 grant pursuant to subdivision (l) of Section 52053 in the 2000–01

fiscal year is eligible to receive funding pursuant to Section 52055.600 in the 2002–03 and 2003–04 fiscal years only.

~~SEC. 21. Chapter 17 (commencing with Section 53080) of Part 28 of the Education Code is repealed.~~

~~SEC. 22. Section 60227 is added to the Education Code, to read:~~

~~60227. The State Department of Education shall collect reimbursements from publishers and manufacturers who submit instructional materials for follow up adoption to cover expenses it and the State Board of Education incurred for performing a followup adoption after the first opportunity to offer materials for adoption following a curriculum framework revision pursuant to Section 60200.~~

~~SEC. 23. Chapter 6 (commencing with Section 60800) of Part 33 of the Education Code is repealed.~~

~~SEC. 24.—~~

*SEC. 4. Section 60800 of the Education Code is amended to read:*

60800. (a) During the month of February, March, April, or May, the governing board of each school district maintaining any of grades 5, 7, and 9 shall administer to each pupil in those grades the physical performance test designated by the State Board of Education. Each physically handicapped pupil and each pupil who is physically unable to take all of the physical performance test shall be given as much of the test as his or her condition will permit.

(b) Upon request of the State Department of Education, a school district shall submit to the department, at least once every two years, the results of its physical performance testing.

~~(c) The State Department of Education shall compile the results of the physical performance test and submit a report every two years, by December 31, to the Legislature and Governor that standardizes the data, tracks the development of high-quality fitness programs, and compares the performance of California's pupils with national performance, to the extent that funding is available.~~

~~(d)~~ Pupils shall be provided with their individual results after completing the physical performance testing.

~~(e)—~~

(d) The governing board of a school district shall report the aggregate results of its physical performance testing administered

1 pursuant to this section in their annual school accountability report  
2 card required by Sections 33126 and 35256.

3 *SEC. 5.* Chapter 7 (commencing with Section 99300) of Part  
4 65 is repealed.

5 *SEC. 25.* ~~Section 3540.2 of the Government Code is amended~~  
6 ~~to read:~~

7 ~~3540.2. (a) A school district shall allow the county office of~~  
8 ~~education in which the school district is located at least 15 working~~  
9 ~~days to review and comment on any proposed agreement made~~  
10 ~~between the exclusive representative and the public school~~  
11 ~~employer, or designated representatives of the employer, pursuant~~  
12 ~~to this chapter. The school district shall provide the county~~  
13 ~~superintendent of schools with all information relevant to yield an~~  
14 ~~understanding of the financial impact of that agreement.~~

15 ~~(b) The Superintendent of Public Instruction shall develop a~~  
16 ~~format for use by the appropriate parties in generating the financial~~  
17 ~~information required pursuant to subdivision (a).~~

18 ~~(c) The county superintendent of schools shall notify the school~~  
19 ~~district publicly within those 15 days if, in his or her opinion, the~~  
20 ~~agreement reviewed pursuant to subdivision (a) would endanger~~  
21 ~~the fiscal well-being of the school district.~~

22 ~~(d) A school district shall provide the county superintendent of~~  
23 ~~schools, upon request, with all information relevant to provide an~~  
24 ~~understanding of the financial impact of any final collective~~  
25 ~~bargaining agreement reached pursuant to Section 3543.2.~~

26 ~~(e) A county office of education, or a school district for which~~  
27 ~~the county board of education serves as the governing board, that~~  
28 ~~has a qualified or negative certification pursuant to Section 1240~~  
29 ~~of the Education Code shall allow the Superintendent of Public~~  
30 ~~Instruction at least 15 working days to review and comment on any~~  
31 ~~proposed agreement made between the exclusive representative~~  
32 ~~and the public school employer, or designated representatives of~~  
33 ~~the employer, pursuant to this chapter. The county superintendent~~  
34 ~~of schools shall provide the Superintendent of Public Instruction~~  
35 ~~with all information relevant to yield an understanding of the~~  
36 ~~financial impact of that agreement. The Superintendent of Public~~  
37 ~~Instruction shall notify the county superintendent of schools~~  
38 ~~publicly within those 15 days if, in his or her opinion, the proposed~~  
39 ~~agreement would endanger the fiscal well-being of the county~~  
40 ~~office.~~

1     ~~SEC. 26.—Section 3547.5 of the Government Code is amended~~  
2     ~~to read:~~

3     ~~3547.5.—Before a public school employer enters into a written~~  
4     ~~agreement with an exclusive representative covering matters~~  
5     ~~within the scope of representation, the major provisions of the~~  
6     ~~agreement, including, but not limited to, the costs that would be~~  
7     ~~incurred by the public school employer under the agreement for~~  
8     ~~the current and subsequent fiscal years, shall be disclosed at a~~  
9     ~~public meeting of the public school employer in a format~~  
10    ~~established for this purpose by the Superintendent of Public~~  
11    ~~Instruction. The district superintendent and the chief business~~  
12    ~~official of the school district shall certify in writing that the costs~~  
13    ~~incurred by the school district under the agreement can be met by~~  
14    ~~the district for the current and two subsequent fiscal years.~~

15    ~~SEC. 27.—~~

16    ~~SEC. 6.~~ Chapter 1.2 (commencing with Section 628) of Title  
17    ~~15 of Part 1 of the Penal Code is repealed.~~

18    ~~SEC. 28.—Notwithstanding Section 17610 of the Government~~  
19    ~~Code, if the Commission on State Mandates determines that this~~  
20    ~~act contains costs mandated by the state, reimbursement to local~~  
21    ~~agencies and school districts for those costs shall be made pursuant~~  
22    ~~to Part 7 (commencing with Section 17500) of Division 4 of Title~~  
23    ~~2 of the Government Code. If the statewide cost of the claim for~~  
24    ~~reimbursement does not exceed one million dollars (\$1,000,000),~~  
25    ~~reimbursement shall be made from the State Mandates Claims~~  
26    ~~Fund.~~